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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT:	Frank Reisinger	CONFIRMATION NO. 8303
SERIAL NO.:	09/586,480	GROUP ART UNIT: 3628
FILED:	January 11, 2001	EXAMINER: D. Charles
TITLE:	"ARRANGEMENT FOR LOADING RATE"	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

S I R:

In accordance with the provisions of 37 C.F.R. §1.192, Appellant herewith submits his main brief in support of the appeal of the above-referenced application.

REAL PARTY IN INTEREST:

The real party in interest is the assignee of the present application, Francotyp-Postalia AG & Co. KG. a German corporation.

RELATED APPEALS AND INTERFERENCES:

There are no related appeals and no related interferences.

STATUS OF CLAIMS:

Claims 1-14 are the subject of this appeal, and constitute all of the originally filed claims.

STATUS OF AMENDMENTS:

No Amendment was filed subsequent to the final rejection.

SUMMARY OF THE INVENTION:

Figure 1a shows a block circuit diagram of a postage meter machine 1 having a connection to a postage-calculating scale 3 and having the inventive switchover

module 20. (p.6, l.8-10) The module 20 has connections to an external postage-calculating scale 22 and to a modem 23 that sets up the communication with a data center DZ. (p.6, l.10-11) An input unit 2 and a display 3 and the module 20 are coupled via an input/output control module 4 to a control unit 6 that is connected to a volatile main memory 7 and to non-volatile memories 5a, 5b, 8, 9, 18 and 11. (p.6, l.11-14) These memories are respectively provided for storing postal register data and other data, which include the variable parts (character memory 9) and constant parts (slogan memory 18) of the franking imprint and contain programs for the data processing in conjunction with the mail carrying or (program memory 11) service to be performed by the carrier. (p.6, l.14-18) The character memory 9 supplies the required print data for the variable parts of the franking imprint to the volatile main memory 7. The memory 8 is a clock/date module, which may be battery supported. (p.6, l.15-17)

The aforementioned components 2 through 9, 11 and 18 form the actual meter 1 that is fashioned to be removable from the base with its own housing, such as a postage meter machine of the JetMail7 type. (p.6, l.18-20) The base or postage meter machine 1 can contain the modem 23 and can have a further input unit 21, such as a chip card and read/write unit. (p.6, l.20 – p.7, l.2)

The postage meter machine also includes a print head 17 operated by a printer control 14 having a print register 15 for printing a franking stamp imprint containing a reference to the carrier and/or the service that is being made use of or that is planned. (p.7, l.3-12) The control unit 6 is or includes a microprocessor μP that is in communication with the input/output control module 4, the character memory 9, the volatile main memory 7 and the non-volatile main memories 5a, 5b, a

non-volatile main memory 18 and the program memory 11, as well as with the motor of a transport or feed mechanism, possibly with a tape dispenser 12, and an encoder 13, which emits position signals from the feed mechanism as well a with the clock/date module 8. (p.7, l.12-17)

In addition to a microprocessor μP, the control unit 6 can also optionally contain an application-specific circuit ASIC for communication with sensors and actuators of the machine base. (p. 8, l.3-5)

The data center DZ has modems, such as modem 33, that are connected to a server 32 that accesses a data bank 31 when a corresponding request is received. Given actuation as needed of a key 45 of the keyboard 42 of the scale 22, (See Fig. 1b) the module 20 is switched via a control line 245 and the loading of the postage rate table data from the data center is initiated. (p.8, l.8-12) The scale 22 can now directly use the modem 23 of the postage meter machine 10 for the communication with the data center when the modem 23 is connected via the modem switchover module 20 to the scale 22 with a cable 24, which is shown in Figure 1a. The cable 24 has the aforementioned control line 245 and line 246. (p.8, l.12-16)

A switchover ensues after the end of the loading, and the sale 22 has its serial interface RS 232 (see Fig. 1b) connected via the cable 24 via the modem switchover module 20 to a serial interface RS 232 (not shown in Figure 1a) of the input/output control module 4. (p.8, l.17-20) A rate memory 16 and a CPU 27 are component parts of the postage calculator of the postage-calculating scale 22, which can determine a weight of a piece of mail and calculate a valid postage value. (p.8, l.20-22)

At the same time, the modem 23 is connected via the modem switchover module 20 to the input/output control module 4. (p.9, l.1-2) Given actuation as needed of a key of the keyboard of the postage meter machine 1, the reloading of a credit from the data center DZ can now be initiated. (p.9, l.2-4) The microprocessor µP (control unit 6) of the respective meter 1 thus can communicate request data via the modem 23 to the modem 33 of the data center DZ via a communication network. (p.9, l.4-6) Alternatively, radio transmission/reception devices can be utilized and request data can be communicated by radio, or a digital communication network can be used. (p.9, l.6-8)

Although, as a simplification only loading of postage rate tables is mentioned below, other service data are not excluded from the loading. (p.9, l.9-10) Advantageously the communication from the data center DZ by modem can ensue directly with the control unit 6. (p.9, l.10-12) When service data are needed, particularly a modified postage rate table, a known method for secure transmission of service data to a terminal device can be utilized. (p.9, l.12-13) After an offering of new service data in the data center DZ for a future processing based on the service data, request data for service data are formed by the meter 1 before the communication of the meter 1 with the data center DZ. (p.9, l.14-17) The communication includes a sending the request in order to request the new service data from the data center, and reception and intermediate storage of the requested service data at the data center DZ. (p.9, l.17-19)

The actuated trigger key 45 of the scale 22 can trigger a pre-loading of a table that will be valid in the future without updating the existing, second table of the same mail carrier. (p.9, l.20-22) A date for when the table takes effect must be stored

allocated to each table version. A check as to whether the table is to be placed into effect continues to ensue with a clock/date module 48 (which may be battery-supported) of the scale 22. (p.9, l.22 – p.10, l.2)

Differing from conventional systems according to European Application 724 141, a long communication with a remote server with a conversion procedure during the communication every time the machine is turned on do not occur IN the inventive system. (p.10, l.3-6) On the contrary, the actuated trigger key 45 of the scale 22 can trigger "on demand" loading of the table that will be valid in the future at a first point in time, in advance of a second point in time for the actual updating/conversion event. (p.10, l.6-8) The conversion event itself remains unnoticed by the user because it occurs automatically, decoupled from the "on demand" loading, on the conversion day and thereby sequences relatively fast. (p.10, l.8-11)

Figure 1b shows a block circuit diagram of the postage-calculating scale 22 that is connected to the postage meter machine 1 via the aforementioned RS-232 serial interface, referenced 25. An input/output port 26 that is in communication with the CPU 27 of the scale 22 via an internal bus 43 is connected to the RS-232 interface 25 of the scale 22. Such a bus 43 includes data, address and control lines. (p.10, l.12-16)

The aforementioned keyboard 42 and a display 41 are connected to the processor 27 via an I/O port 40 and, via the internal bus 43, to a memory 28 connected to the processor 27 for storing the operating software of the scale 22, a memory 29 for storing application data (for example, selective imprint numbers for endorsement) and a memory forming the rate table 16 for storing the loaded service data (for example, the postage tables). (p.10, l.17-22) The compressed data are

read into the internal RAM 34 of the processor 27 and are decompressed with the assistance of the operating software. (p.10, l.22-23) For reading the zip-to-zone conversion table into the memory 29 (an EEPROM) for application data, the corresponding chip select line CS3 from the processor 27 is directly or indirectly activated via a connected switch 32. (p.10, l.23 – p.11, l.3) For determining the weight, a weighing cell 50 is connected to the processor 27 via and A/D converter, and, moreover, direct connections serve for resetting or taring the weighing cell 50 with the processor 27. (p.11, l.3-6) The clock/date module 48 also is connected to the internal bus 43. All necessary inputs are undertaken via the keyboard 42. Important information such as, for example, the weight of the postal matter and the postage calculated on the basis of the postage rate table are shown on the display 41. (p.11, l.7-11)

When a modified postage rate table is required in the electronic postage calculator, a loading can ensue on demand. (p.11, l.12-13) To that end, the key 45 is actuated in order to trigger the loading event, and a corresponding display appears on the display 41. (p.11, l.13-15) The driver 203 (see Fig. 2) of the modem switchover module 20 is correspondingly fashioned to react to a signal on the control line 245 ("modem enable") in order to undertake a switching. (p.11, l.15-17) When the scale 22 is switched into the load mode, various service data and, in particular, the postage rate table that is to be entirely or partially modified can be loaded. (p.11, l.17-19) There is no coupling of the loading event with an updating, and the key 45 does not yet trigger an updating mode. (p.11, l.19-21)

In normal operation the CPU 27 of the scale 22 accesses a second memory area 16-02, which contains the valid rate tables. (p.11, l.22-23)

Loading of new rate table data ensues into a first area 16-01, and loading of an appertaining conversion date ensues into a third area 16-03. (p.12, l.1-2) Optionally, loading of further information ensues into a fourth memory area 16-04, this information being related to a service of the carrier or of the data center DZ. (p.12, l.2-4) The clock/date module 48 automatically communicates the currently valid date of the day to the postage calculator at least once, for example respectively upon initial turn-on at the start of the day. (p.12, l.4-6) The communicated data are compared in the postage calculator to the aforementioned conversion date. The automatic updating is suppressed when the date of the day is lower than the conversion date. The automatic updating is undertaken when the date of the day is higher than or equal to the conversion date. (p.12, l.6-10)

The CPU 27 is programmed to check the stored conversion date relative to the current date and to continue operating with the old rate table data when the current date falls short of the conversion date and to communicate an instruction to the postage calculator for updating the rate table data when the current date is the same as or beyond the conversion date. The postage calculator writes data for updating the rate table data in the memory 16. (p.12, l.11-16)

The invention provides that the postage calculator in the scale 22 undertakes a selective erasing of memory areas in the scale 22 before the loading of compressed, new rate table data. (p.12, l.17-19) At a second point in time, the postage calculator then implements an updating of the rate table data, possibly connected with a decompression of the loaded, new rate table data and a write-in of the decompressed data, the rate table data from the first memory area being decompressed and stored in the second memory area 16-02 of the scale. This

makes it possible for the automatic updating to ensue at an arbitrarily later conversion date, decoupled in time from the aforementioned loading. (p.12, l.17-19 – p.13, l. 2)

In one version that an automatic unit forms request data for loading at a first point in time defined by the user, in order to update the loaded postage rate table data when the second point in time defined by the mail carrier for new postage rate table data has approached, in order to be able to access current tables. (p.13, l.3-6) This automatic unit operates dependent on the mail carrier that has been selected (carrier ID), on the version number or on the order number, or using load codes and the information supplied by the clock/date module 48. (p.13, l.6-9) The automatic unit has an operative connection to a microprocessor and to the keyboard 42 can be realized in the postage calculator itself and/or in the memory cells of the clock/date module 48. (p.13, l.9-11)

Figure 2 shows a block circuit diagram detail with an internal modem switchover module 20 for use in a postage meter machine FM to which a scale (not shown) with postage calculator can be coupled. (p.13, l.12-14) The aforementioned cable 24 for connection of the postage meter machine to the scale is connected to the modem switchover module 20 with an HD20 connector, for example. (p.13, l.14-16) The connector is preferably arranged within the postage meter machine. (p.13, l.16-17) A micro-computer control board 10 of the postage meter machine is equipped with a modem interface 401, which includes corresponding drivers, and with a scale interface 402, which includes corresponding drivers, and includes the microprocessor (control unit 6) whose transmitter/receiver port is connected to an input of a multiplexer 403 of the input/output control module 4. (p.13, l.17-21)

During normal operation, the multiplexer 403 is switched such that the drivers of the scale interface 402 are connected via the modem switchover module 20 to the RS-232 interface of the scale 22. (p.13, l.22- p.14, l.1) When a reloading of a credit is required, the microprocessor switches the multiplexer 403 onto the drivers of the modem interface 401, which are then connected via the modem switchover module 20 to the modem 23. (p.14, l.-3) When a download of a postage rate table is required, the microprocessor 27 of the scale 22 switches the modem switchover module 20, as has already described on the basis of Figure 1a. (p. 14, l.4-6) The microprocessor 27 of the scale 22 has an I/O port 26 from which the "modem enable" control line 245 leads via the RS-232 interface 25 of the scale to a driver 203 of the modem switchover module 20 for the purpose of switching it. (p.14, l.6-9) After the switchover, the communication with a transmission of the scale/modem data on the lines 246 proceeds via the cable 24. (p.14, l.9-10) Via the contact group 201 or 202 of the relay and via four lines 231, the modem is directly connected to the RS-232 interface 25 of the scale 22 with the postage calculator. (p.14, l.12-14)

The drivers 401, 402 and the multiplexer 403 are correspondingly fashioned such that a group having the aforementioned four lines, via the drivers 401 and lines 214, as well as via the drivers 402 and lines 224, are respectively connected to the contact groups 201 and 202 of the relay 204 of the modem switchover module 20. The contact group 201 or 202 is connected to the interface of a postage calculator. When loading rate tables, the aforementioned circuit parts are disconnected due to the switching of the switchover assembly 20. (p.14, l.15-21)

In a version with an external modem switchover module 20' shown in Figure 3, the postage meter machine 1 has an internal modem 23. (p.14, l.22-23) The

modem switchover module 20' has two HD20 connectors, one of which is connected to a connector of the RS-232 interface 25 of the postage-calculating scale, and the other is connected via the HD20 connector of the postage meter machine to the lines 214, 224 and 231. (p.14, l.23 – p. 15, l.4) The reference characters in the block circuit diagram with the postage meter machine-infernal modem 23 and external switchover module 20' are selected according to Figure 2. The MC control board 10 of Figure 2 is merely referred to here as a meter 10. (p.15, l.4-7)

An external switchover module 20' can also be combined with an external modem 10', as fundamentally proceeds from Figure 4. For example, a docking station for the removable meter of the postage meter machine JetMail7 can be equipped with the external modem 23' and the switchover module 20'. Optionally, a postage calculator 22 or a meter 10 then can be coupled to the docking station in order to load rate table data or credit data into the meter 10. In this example, the postage calculator is a component part of the scale 22. (p.15, l.8-14)

However, the postage calculator 22' can be realized in the system separately from the postage meter machine and/or scale and be connected to the latter by interface, in a known arrangement. Such an arrangement has been disclosed in German Application German OS 196 22 304. Such an external postage calculating module 22' can be advantageously combined with an external modem switchover module 20'. (p.15, l.15-19)

The block circuit diagram according to Figure 5a shows an external postage PC and switchover module 20', 22' in the switched condition of loading rate tables. In the latter instance, the modem 23' is connected to a postage PC 22'. (p.15, l.20-22) The postage PC 22' can switch the switchover module 20' into the

aforementioned switched condition of loading rate tables or into the other switched condition of reloading postage credit. (p.15, l.22 – p. 16, l.2)

Figure 5b shows a block circuit diagram with external postage PC and switchover assembly in the switched condition of reloading postage credit. In this case, the modem 23' is connected to the meter 10 in order to enable a reloading of postage credit as needed. Further, the meter 10 is connected to the postage PC 22' which in turn has an interface (not shown) to a scale. In such a system, a postage calculator (postage PC) can be allocated to a specific mail carrier. The components of the switchover module (20, 20') can be electromechanically fashioned as relays or fully electronically as multiplexers. (p.16, l.3-10)

ISSUES:

The sole issue on appeal is whether the subject matter of claims 1-14 is anticipated under the provisions of 35 U.S.C. §102(b) by United States Patent No. 4,138,735 (Alocca et al.).

GROUPING OF CLAIMS:

The patentability of claims 3-10 does not stand or fall together with the patentability of claims 1, 2 and 11-14, and separate arguments in support of the patentability of claims 3-10 are set forth below. Moreover, within claims 3-10, separate arguments for patentability are set forth below for each of claims 3, 4, 5, 6, 7, 8, 9, and 10. The patentability of claims 2 and 11-14 stands or falls together with the patentability of claim 1.

ARGUMENT:

The subject matter of independent claim 1 is an arrangement for loading rate table data associated with the franking of postal items. Depending on the weight of

an item to be mailed, and the type of mail service that is selected (first class, prior to delivery, registered mail, etc.) the cost of mailing the item will vary. The postal rates for different rates and different service categories are periodically revised by the postal authority (USPS). In the electronically operating postage meters, such rates are stored electronically in a memory as a rate table (rate table data). When the postal rates change, an updated rate table must be made available to all franking arrangements currently in use. Although it is possible to manually remove the chip from the circuit board in a franking arrangement containing the old rate table, and replace it with a new chip containing the updated rate table, this is labor-intensive and time consuming, and therefore most franking arrangements currently in use today are able to communicate with a centralized data center, either by radio transmission or telephone lines for many purposes, including downloading new rate table data.

A franking arrangement can take various forms. In the simplest form, it can consist of a postage meter and a stand-alone scale, and an item to be mailed is weighed on the scale, the weight is manually read at the scale, and is manually entered into the postage meter, and the postage meter automatically calculates the appropriate postage in a microprocessor contained in the postage meter.

It is also possible for the scale to be electronically connected to the postage meter. Two versions of this type of arrangement are known. The electronic connection between the scale and the postage meter can be solely for providing a signal from the scale to the postage meter indicating the weight of the item that has been weighed on the scale, and the postage meter uses this electronically-supplied weight to calculate the appropriate postage. In another version, the scale itself

includes a postage calculator, and not only weighs the item but also calculates the appropriate postage value, and transmits this postage value to the postage meter for printing a franking imprint on the item to be mailed, or on a label to be affixed to the item to be mailed. In this latter arrangement, the scale itself must be provided with the aforementioned rate table data, and therefore must be able to communicate with the data center.

The postage meter must always be able to communicate with the data center, because such communication is necessary for purposes other than downloading rate table data. Communication between the data center and the postage meter must ensue, for example, in order to electronically transfer funds available for franking, as well as for undertaking various security measures to protect against tampering. Therefore, the postage meter must always either be equipped with, or have access to, a device such a modem or a radio receiver for communicating with the data center. In systems wherein the scale includes a postage calculator, in order to avoid the expense of providing a duplicative modem or radio receiver for the scale itself, communication between the scale and the data center conventionally proceeds through the postage meter, using the communication device associated with the postage meter. When a new rate table is to be downloaded to the postage calculator in the scale, the new rate table data therefore first proceed to the postage meter. Since it cannot always be assured that the postage meter will be in activated status, nor can it always be assured that the scale will be turned on, the new rate table data are intermediately stored in the postage meter machine, and a protocol or algorithm is employed to transfer the new rate table data to the postage calculator in the scale when it is appropriate to do so. This requires reserving memory space in the

postage meter machine for the new rate table data, and also requires that the microprocessor in the postage meter be occupied, however briefly, for administering the aforementioned transfer to the scale.

Moreover, in the United States postage meters cannot be purchased, but can only be leased, and the leasing cost to the customers is set dependent on the degree of complexity of the postage meter and associated peripheral items. Initially, a customer may decline the added expense of paying for a postage calculating scale, but may wish to have that option available in the future. Therefore, many postage meters are programmed with the capability of calculating the postage value, but in an initialization routine automatically check to determine whether a postage calculating scale is connected thereto and, if so, the postage meter will "hand over" the responsibility for calculating the postage value to the scale.

The storage and processing (however temporary) of the downloaded rate table data in the postage meter, before transfer thereof to the scale, has proven to be a bottleneck, particularly in postage meters which are almost constantly in use for franking purposes, since the postage meter must either exit the franking routine in order to attend to the acceptance and transfer of the rate table data, or must attempt to interleave that task into the franking routine. More sophisticated and powerful processors that are able to process multiple tasks in parallel usually are too expensive for practical use in a postage meter.

The subject matter of claim 1 on appeal addresses this problem by providing a postage meter and an external scale having a postage calculator and a modem, which receives rate table data from an external source, and a switchover module. The switchover module is connected between the postage meter, the scale and the

modem and has a control line for setting a switching state of the switchover module to selectively conduct data downloading of rate table data directly from the external source to the postage calculator exclusively via the modem and the switchover module. This means that the switchover module can be set to a switching state such that the rate table data do not pass through the postage meter at all (by virtue of the word "exclusively"). Therefore, the postage meter is totally relieved of any task associated with the downloading of rate table data, when the switchover module is selectively set in this switching state by means of the control line.

The Alocca et al. reference discloses a system having a centralized data center from which rate table data can be transmitted either by a radio broadcast or via a telephone line. The rate table data proceeds simultaneously to a number of receiving stations 14. Each receiving station 14 is connected to an arrangement which is sometimes referred to in the Alocca et al. reference as "a postage scale 15 and/or meter" (column 3, lines 29-30) or as a "scale 15 or meter" (column 4, line 3) or as a "postage scale 15" (column 5, lines 13-14). In all instances described in the Alocca et al. reference, however, and in all drawings thereof, there is only one "recipient" of the rate table data, namely the block 15, regardless of whether this is called a "scale" or a "meter." Despite the aforementioned usage of "and/or" terminology in the Alocca et al. reference, there is no showing in the drawings thereof, and no discussion in the written description, of a system wherein the rate table data could, in some instances, proceed to a scale, and in other instances could proceed to a meter. The rate table data are provided with one and only one address, namely the scale address 20, and this always causes the rate table data to go to a single intended recipient, regardless of whether this recipient is called a "scale" or a

"meter." There is no "switching" which takes place at all in the Alocca et al. system. The data are merely transmitted to one of the receiving stations 14, and the receiving station 14 determines whether the incoming data have a scale address that matches the address of the block 15 connected to that particular receiving station 14. If so, data proceed through the receiving station 14 to the block 15, or the microprocessor 16 thereof, the microprocessor 16 is not described in the Alocca et al. reference as being a component that is separate from the scale 15.

Therefore, the Alocca et al. reference does not disclose a switching module of any type, much less a switching module as set forth in independent claim 1 which receives a signal on a control line to set a state thereof to cause the incoming rate table data to selectively proceed to a scale. In the Alocca et al. system, the incoming data *always* proceed to the block 15 (whatever it is) as long as the incoming data have the correct address. There is no switching involved at all, and therefore there is no setting of any switch via a control line.

Moreover, in view of the confusing manner by which the block 15 is various described in the Alocca et al. reference, there is no clear disclosure of a system having both a scale with a postage calculator and a postage meter, as explicitly required in claim 1.

Additionally, although the Alocca et al. reference does disclose the use of a phone line 54 as a back-up to the radio transmission, and therefore includes an element 42 serving as a modem, the Examiner is apparently interpreting this element itself as being a part of a "switchover module" allegedly corresponding to the switchover module of claim 1. Claim 1, however, separately and explicitly sets forth the claim elements of a postage meter, an external scale having a postage calculator

and a modem, as well as the aforementioned switchover module, and further explicitly states that the switchover module is connected *between* the postage meter, the scale and the modem. If the modem in the Alocca et al. reference is alleged to correspond to, or form a part of, a "switchover module," then the switchover module in the Alocca et al. reference cannot be connected *between* the postage meter, the scale and the modem. Moreover, as noted above, the Alocca et al. reference does not clearly disclose separate possible recipients for the rate table data (namely a scale *and* a postage meter), which is another reason why there is no switchover module disclosed in the Alocca et al. reference which is connected *between* the postage meter, the scale and the modem.

Lastly, since there is no need for any switching in the Alocca et al. system, there is no control line that can set a switching state of any component in the Alocca et al. system. The phone line 54 is merely used to transmit data that are decoded by the tone decoder 42. The subsequent block 46 merely serves for serial-to-parallel conversion, and even though operated by control logic 48, there is no teaching in the Alocca et al. reference that it has any sort of "switching state" associated therewith.

In order to support an anticipation rejection under 35 U.S.C. §102(b), it is necessary that the relied-upon reference expressly or inherently, disclose all of the elements of a patent claim as arranged and operating in that claim. A claim is anticipated only if each and every limitation is found either expressly or inherently in a single prior art reference. *Union Carbide Chemicals & Plastics Technology Corp. v. Shell Oil Co.*, 64 U.S.P.Q.2d, 1545, 1560 (Fed. Cir. 2000); *Bristol Myers- Squibb Co. v. Ben Venue Labs, Inc.*, 246 F.3d 1368, 1374, 58 U.S.P.Q.2d 1508, 1512, (Fed. Cir. 2001).

For the above reasons, the Alocca et al. reference does not anticipate claim 1, or any of the claims depending therefrom, which add further structure to the novel combination of claim 1.

As to claim 3, there is no disclosure in the Alocca et al. reference of an input/output control module containing a modem interface and a scale interface, nor is an interface for the postage calculator disclosed in Alocca et al., as also required in claim 3. Claim 3 states that the switchover module is connected *between* the modem interface, the scale interface and the postage calculator interface, and no such connection arrangement is disclosed in Alocca et al.

Claim 4 depends from claim 3, and additionally requires a first contact group connected to the modem interface via a first set of four lines, and a second contact group connected to the aforementioned postage calculator interface and to the scale interface via a second set of four lines. No such sets of lines are disclosed in the Alocca et al. reference, nor is a driver for operating the first and second contact groups to set a switching state of the switchover module, as also required in claim 4.

Claim 5 depends from claim 4, and explicitly identifies the type of interface serving as the postage calculator interface, and explicitly describes the four lines in each of first and second sets of lines. No such interface and no such types of lines are disclosed in the Alocca et al. reference.

Claim 6 also depends from claim 4, and requires that the control line also be connected to the postage calculator interface. No such control line is disclosed in the Alocca et al. reference, and therefore no control line connected to a postage calculator interface is disclosed in that reference.

Claim 7 depends from claim 6 and states that the scale has a keyboard with an actuatable selection key, the actuation thereof causing the signal to be generated on the control line for setting the aforementioned switching state of the switching module. As noted above, there is no switching involved at all in the Alocca et al. reference, nor is there any input unit of any type, much less a keyboard, nor is there any discussion of any actuation element for causing a signal to be generated on a control line which sets a switching state of a switching module.

Claim 8 depends from claim 7 and explicitly sets forth first, second and third memory areas in which different types of data are stored, and also describes automatic replacement of existing rate table data with updated rate table data at a specified time, namely the time of first use of the postage calculator following the effective date of the updated rate table data. No such memory arrangement and no operation of the memory arrangement in this manner are disclosed in the Alocca et al. reference.

Claim 9 depends from claim 8 and requires a fourth memory area for additional information. No such fourth memory area is disclosed in the Alocca et al. reference.

Claim 10 depends from claim 8 as well, and states that the scale includes a clock/date module for use in determining when the effective date of the updated rate table data occurs. No such arrangement is disclosed in the Alocca et al. reference.

CONCLUSION:

For the foregoing reasons, Appellant respectfully submits the Examiner is in error in law and in fact in rejecting claims 1-14 as being anticipated by the Alocca et

al. reference. Reversal of the rejection is therefore proper, and the same is respectfully requested.

This Appeal Brief is accompanied by a check in the amount of $320.00 for the requisite fee.

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I hereby certify that an original and two copies of this correspondence are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 28, 2003.

Steven H. Noll

STEVEN H. NOLL

APPENDIX "A"

1. (Amended) An arrangement for loading rate table data comprising:

a postage meter;

an external scale having a postage calculator;

a modem which receives rate table data from an external source; and

a switchover module connected between said potage meter, said scale and said modem and having a control line for setting a switching state of said switch over module to selectively conduct data downloading of rate table data directly from said external source to said postage calculator exclusively via said modem and said switchover module.

2. An arrangement as claimed in claim 1 comprising a postage meter machine containing said postage meter, and wherein said switchover module is contained within said postage meter machine.

3. An arrangement as claimed in claim 2 wherein said postage meter machine comprises an input/output control module containing a modem interface and a scale interface, and wherein said postage calculator comprises a postage calculator interface, said switchover module being connected between said modem interface, said scale interface and said postage calculator interface and said scale comprising means for supplying a signal on said control line to switch said switchover module to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data.

4. An arrangement as claimed in claim 3 wherein said switchover module comprises a first contact group connected to said modem, and connected to said

modem interface via a first set of four lines, a second contact group connected to said postage calculator interface and to said scale interface via a second set of four lines, and a driver connected to said control line for operating said first and second contact groups to set said switching state of said switchover module dependent on a signal on said control line.

5. An arrangement as claimed in claim 4 wherein said postage calculator interface comprises an RS-232 interface, and wherein each of said first and second sets of four lines comprises a TXD transmission line, an RXD reception line, a DTR reception readiness line, and a DSR transmission readiness line.

6. An arrangement as claimed in claim 4 wherein said control line is also connected to said postage calculator interface, which supplies said signal on said control line to set said switching state of said switchover module.

7. An arrangement as claimed in claim 6 wherein said scale comprises a keyboard having an actuatable selection key, said keyboard being at least indirectly connected to said postage calculator interface and actuation of said selection key causing said signal to be generated on said control line for setting said switching state of said switching module to cause said rate table data to be directly supplied to said postage calculator.

8. An arrangement as claimed in claim 7 wherein said postage calculator operates with existing rate table data and wherein said rate table data from said external source comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including

conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored, and said postage calculator automatically replacing said existing rate table data with said updated rate table data at a time of first use of said postage calculator following said effective date.

9. An arrangement as claimed in claim 8 wherein said updated rate table data further include data representing additional information, and wherein said postage calculator has a fourth memory area for storing said data representing additional information.

10. An arrangement as claimed in claim 8 wherein said scale comprises a clock/date module connected to said postage calculator, and wherein said postage calculator is programmed to automatically compare a date supplied by said clock/date module with said conversion data and to replace said existing rate table data with said updated rate table data when said conversion data equal or follow said date supplied by said clock/date module.

11. An arrangement as claimed in claim 1 comprising a postage meter machine containing said postage meter, and wherein said modem switchover module is disposed externally of said postage meter machine.

12. An arrangement as claimed in claim 11 wherein said scale with said postage calculating module is external from said postage meter machine.

13. An arrangement as claimed in claim 11 wherein said switchover module and said external modem are combined to form a docking station.

14. An arrangement as claimed in claim 11 wherein said switchover module in said postage calculator are combined and are both disposed externally from said postage meter machine.

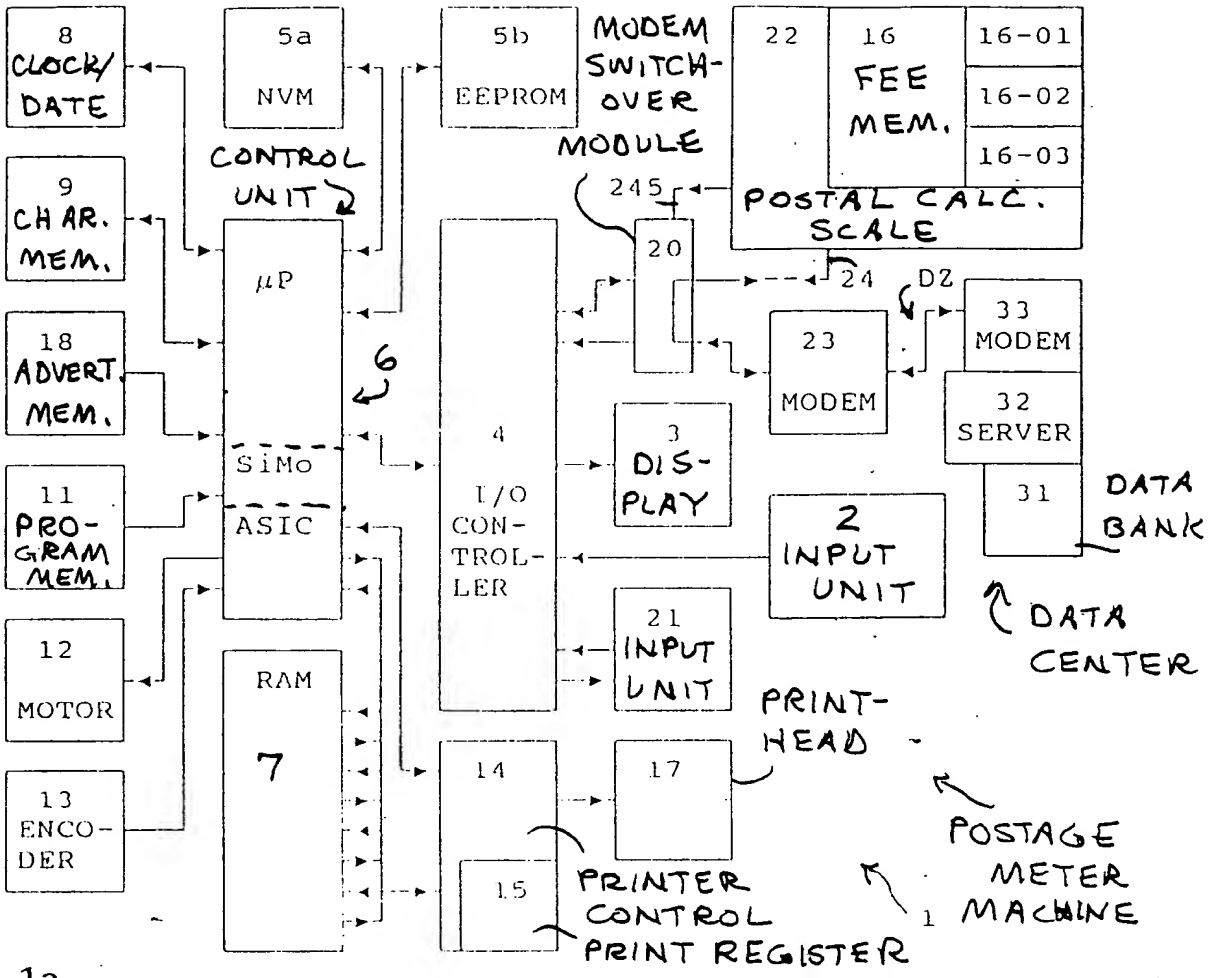
8
CLOCK/
DATE
9
CHAR.
MEM.
18
ADVERT.
MEM.
11
PRO-
GRAM
MEM.
12
MOTOR
13
ENCO-
DER
5a
NVM
CONTROL
UNIT
µP
SiMo
ASIC
RAM
7
6
5b
EEPROM
MODEM
SWITCH-
OVER
MODULE
245
20
22
16
FEE
MEM.
16-01
16-02
16-03
POSTAL CALC.
SCALE
24
DZ
33
MODEM
23
MODEM
32
SERVER
31
DATA
BANK
DATA
CENTER
4
I/O
CON-
TROL-
LER
3
DIS-
PLAY
2
INPUT
UNIT
21
INPUT
UNIT
PRINT-
HEAD
14
17
15
PRINTER
CONTROL
PRINT REGISTER
POSTAGE
METER
MACHINE
1

Fig. 1a

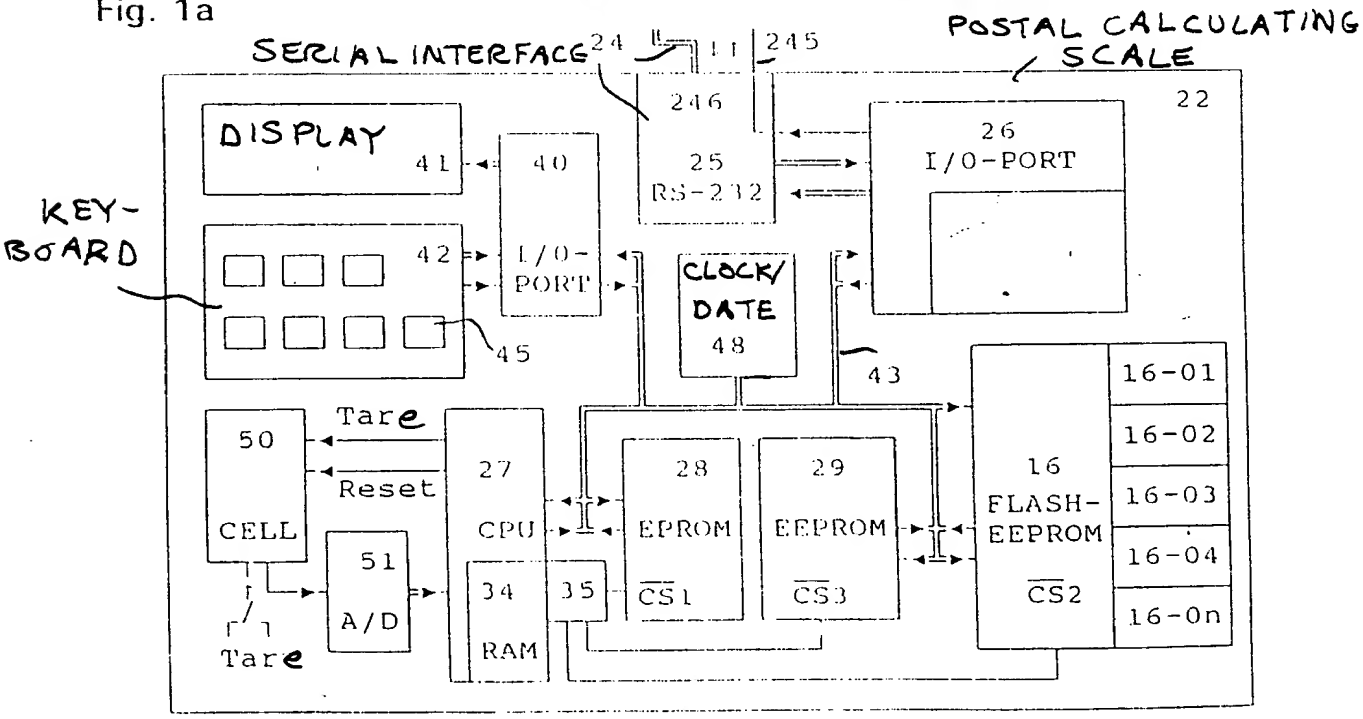
SERIAL INTERFACE
24
11
245
POSTAL CALCULATING
SCALE
22
DISPLAY
41
40
246
25
RS-232
26
I/O-PORT
KEY-
BOARD
42
I/O-
PORT
CLOCK/
DATE
48
45
43
16-01
16-02
16-03
16-04
16-0n
50
CELL
Tare
Reset
27
CPU
28
EPROM
29
EEPROM
16
FLASH-
EEPROM
51
A/D
34
RAM
35
CS1
CS3
CS2
Tare

Fig. 1b

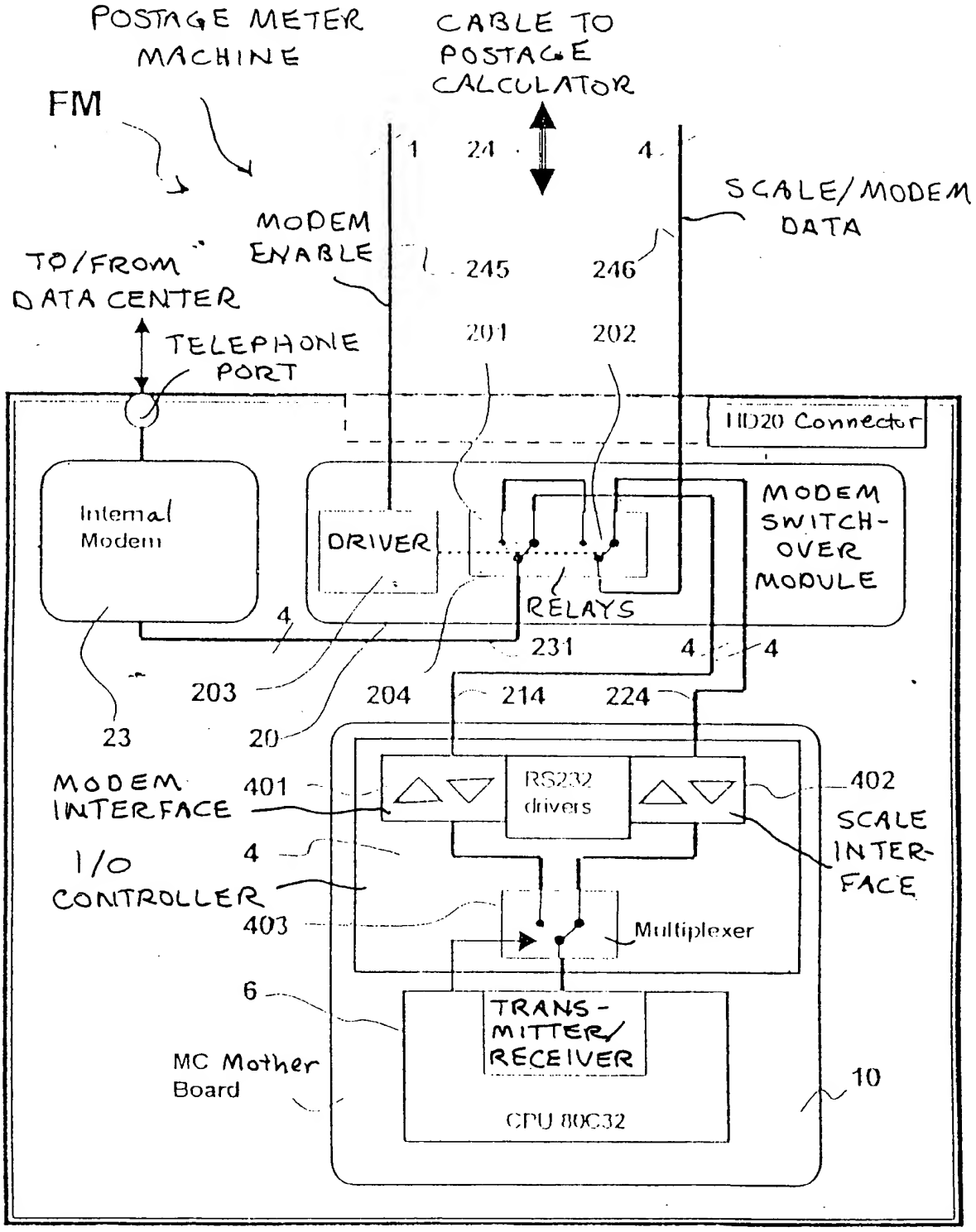
POSTAGE METER MACHINE
FM
CABLE TO POSTAGE CALCULATOR
1
24
4
SCALE/MODEM DATA
MODEM ENABLE
245
246
TO/FROM DATA CENTER
TELEPHONE PORT
201
202
HD20 Connector
Internal Modem
DRIVER
MODEM SWITCH-OVER MODULE
RELAYS
4
231
4
4
203
204
214
224
23
20
MODEM INTERFACE
401
RS232 drivers
402
SCALE INTER-FACE
I/O CONTROLLER
4
403
Multiplexer
6
TRANS-MITTER/ RECEIVER
MC Mother Board
CPU 80C32
10

Fig. 2

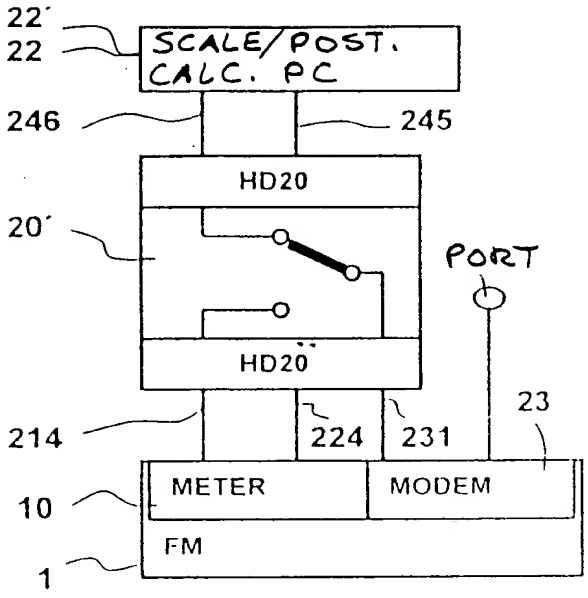

Fig. 3

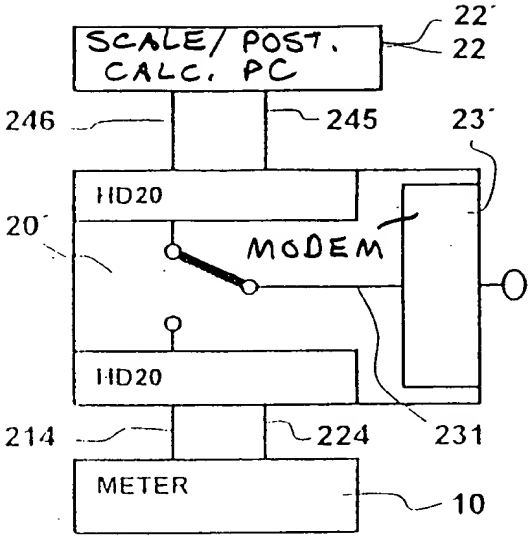

Fig. 4

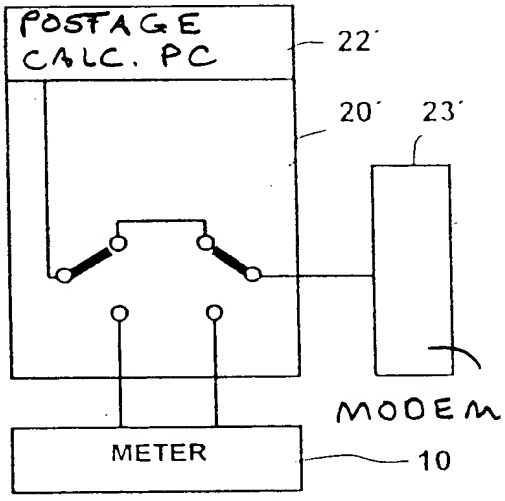

Fig. 5a

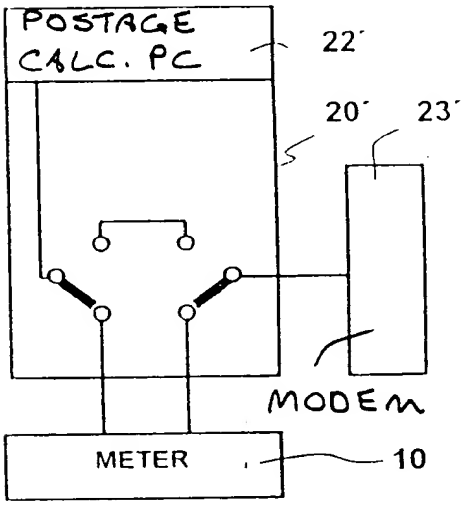

Fig. 5b